

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

YOANDY FERNANDEZ MORALES,  
Plaintiff,  
v.  
VILLEGAS, et al.,  
Defendants.

Case No.: 3:24-cv-00281-ART-CSD

**ORDER**  
**(ECF Nos. 1, 1-2)**

On July 2, 2024, pro se plaintiff Yoandy Morales, an inmate in the custody of the Nevada Department of Corrections who is housed at Northern Nevada Correctional Center (“NNCC”), submitted a civil-rights complaint under 42 U.S.C. § 1983, a motion to exceed the page limit for pro se civil-rights complaints, proposed summonses, and an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1-2, 1-3, 1). The Court denies Morales’s application to proceed *in forma pauperis* without prejudice because it is incomplete. It denies his motion for leave to file excess pages as moot. And it disregards his proposed summonses because they are premature.

**I. DISCUSSION**

**A. Morales must either pay the filing fee or file a new IFP application.**

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. Effective February 1, 2024, NNCC inmates filing lawsuits in the U.S. District Court for the District of Nevada are directed to apply for *in forma pauperis* status using the form titled “Application to Proceed *In Forma Pauperis* by an Inmate at Northern Nevada Correctional Center.”

Morales’s application to proceed *in forma pauperis* is incomplete because he used an outdated form and did not include all the financial documents required by that form.

Specifically, although Morales submitted a completed financial certificate with his application, he did not also include an inmate trust fund account statement for the previous six-month period with it. (See ECF No. 1). The Court denies Morales's incomplete application and will give him an extension of time to either pay the full \$405 filing fee or file a fully complete application to proceed *in forma pauperis* by an inmate at NNCC.

**B. Morales's motion for excess pages is moot.**

Morales moves for leave to file an oversized civil-rights complaint. (ECF No. 1-2). The body of Morales's proposed pro se civil-rights complaint is 16 pages. (See ECF No. 1-1). Morales attached dozens of pages of exhibits to his proposed complaint. (See *id.*). Although attaching exhibits like evidence to an initial or amended complaint is strongly discouraged, the Court will not count Morales's exhibits against the 30-page limit for his complaint. See General Order No. 2021-05 at ¶ 2. The Court thus denies Morales's motion for excess pages as moot.

**C. Morales's proposed summonses are premature.**

Morales has submitted proposed summonses. (ECF No. 1-3). As the Court explained in the advisory letter that it sent Morales when he initiated this action, "[t]he Court will review your complaint before docketing and service of defendants." (ECF No. 2 at 1). Review means that the Court will "screen" the complaint under 28 U.S.C. § 1915A "to identify any 'colorable claims'" and dismiss any claims that are frivolous, malicious, or fail to state a colorable claim for relief or seek monetary damages from any defendant who is immune from that relief. (*Id.*) "This process may take many months." (*Id.*) The letter reiterated that "the Court will order service upon defendants when it is time to do so." (*Id.* at 3).

The Court has not yet screened Morales's complaint. Once Morales either pays the full filing fee or files a complete application to proceed *in forma pauperis*, the Court will screen his complaint in the ordinary course. And the Court will order service on the

1 defendants when it is time to do so. The Court thus disregards Morales's proposed  
2 summonses as premature.

3 **II. CONCLUSION**

4 It is therefore ordered that Morales's incomplete application to proceed *in forma*  
5 *pauperis* (ECF No. 1) is denied without prejudice.

6 It is further ordered that Morales has **until August 2, 2024**, to either pay the full  
7 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*, which  
8 is pages 1–3 of the Court's approved form, for inmates at NNCC.

9 It is further ordered that Morales's motion for excess pages (ECF No. 1-2) is denied  
10 as moot.

11 It is further ordered that Morales's proposed summonses (ECF No. 1-3) are  
12 disregarded as premature.

13 Morales is cautioned that this action will be subject to dismissal without prejudice  
14 if he fails to timely comply with this order. A dismissal without prejudice allows Morales to  
15 refile the case with the Court, under a new case number, when he can either pay the filing  
16 fee or properly apply for *in forma pauperis* status.

17 The Clerk of the Court is directed to send Plaintiff Yoandy Morales an application  
18 to proceed *in forma pauperis* **by an inmate at NNCC** and instructions for the same. The  
19 Court will retain Morales's complaint (ECF No. 1-1), but will not file it at this time.

20 DATED THIS 8th day of July 2024.

21   
22 UNITED STATES MAGISTRATE JUDGE  
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